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NEW YORK TIMES
5 January 1985

CBS Producer Defends Use of Letters at Libel Trial

By M. A. FARBER

George Crile, the producer of a disputed CBS documentary on the Vietnam War, defended in court yesterday his reliance on letters in which an intelligence analyst had written his wife in 1968 of the "outright lies" and "doctoring" of estimates of enemy strength.

The author of the letters, Comdr. James Meacham of the Navy, had repeatedly told Mr. Crile during preparation of the broadcast that, despite the language in his letters to his wife, he was unaware of any "faking" of statistics during his service in Vietnam in 1967 and 1968.

But Mr. Crile testified that the commander, now the military correspondent of *The Economist*, a British publication, furnished the letters on his own initiative and never denied that "their words meant what they conventionally mean to anyone who speaks the English language."

After nine days of testimony, Mr. Crile completed his first appearance at the trial of a \$120 million libel suit brought against CBS by Gen. William C. Westmoreland. The trial, now in its 12th week, is being conducted by Judge Pierre N. Leval in Federal District Court in Manhattan.

Mr. Crile, who is also a defendant in the case and was called as a "hostile witness" by General Westmoreland's lawyers, was chiefly responsible for the 1982 CBS Reports documentary,

"The Uncounted Enemy: A Vietnam Deception." He is expected to testify again when CBS begins presenting its evidence late next week.

This round of the producer's testimony ended much as it began, with Dan M. Burt, the general's principal lawyer, questioning Mr. Crile's objectivity and fairness and the witness expounding on the many sources he drew on in making the documentary.

Letters Read to Jury

The letters from Commander Meacham, some of which were read to the jury on Thursday during Mr. Crile's cross-examination by David Boies, the lawyer for CBS, are regarded as important evidence in support of the broadcast. The program, which included references to the letters, charged that senior officers in General Westmoreland's command had "suppressed and altered critical intelligence on the enemy" during the war.

Yesterday, Mr. Burt read the jury excerpts from unused portions of an on-camera interview of Commander Meacham by Mr. Crile in London in 1981.

Time and again Commander Meacham, who retired from the Navy in 1973, said neither he nor anyone he had worked with in Vietnam had "falsified" intelligence on the size of North Vietnamese and Vietcong forces. It was all a "long, complicated story," he

said, in which officers had had differences of "judgment" and "interpretation."

"I mean," the commander said at one point, "you're trying to get me to say that we all falsified intelligence. I'm not going to say it because I don't have any sense of having done that."

"What do you have a sense of having done?" Mr. Crile asked.

"I don't know how to answer," the commander said.

Gave Letters to C.I.A. Analyst

Yesterday, Mr. Crile first offered to explain why he had not included any of these or similar passages in the documentary, but Mr. Burt did not give him a chance.

Q. You didn't include them because you wanted people to believe that Commander Meacham unequivocally supported the letters, isn't that correct, sir?

A. No, that's not true. He never disavowed anything in those letters.

Mr. Crile said the commander had given the letters in 1980 to Samuel A. Adams, a former Central Intelligence Agency analyst who later became a consultant for the CBS broadcast and is also a defendant in this case. He did so, Mr. Crile said, because he thought they were "the best place" to find a record of his views in 1968.

Mr. Crile said the commander — who is not expected to testify at the trial — simply decided by 1981 that he did not want to "say uncle" on American television. "He didn't want to go on national TV. Of course, it was embarrassing for him."

The 39-year old producer suggested that, for a fuller appreciation of Commander Meacham's views in 1968, Mr. Burt "might want to read" other parts of the interview. "They're informative," he remarked.

Judge Instructs Jury

On Thursday, Judge Leval instructed the jury that the letters were being admitted into evidence only with regard to the defendants' "state of mind" during their research for the documentary, and not for the truth of their contents.

General Westmoreland contends that CBS libeled him by saying that he had deceived President Lyndon B. Johnson and the Joint Chiefs of Staff about the true size and nature of the enemy in the year before the Tet offensive of January 1968.

The broadcast said that, to show America was winning the war, the general imposed an "arbitrary ceiling" of 300,000 of reports of enemy size, partly by ordering the deletion of the Vietcong's self-defense forces from the official military listing of enemy strength known as the order of battle.

To prevail in his suit, the general must prove that statements on the program were both false and made with knowledge of their falsity or with

"reckless disregard" for whether they were true.

Before he left the stand, Mr. Crile said that he had relied heavily on the report of a House Select Committee on Intelligence that concluded in 1975 that "the numbers game" in 1967 "prevented the intelligence community, perhaps the President, and certainly members of Congress, from judging the real changes in Vietnam over time."

A key witness before the committee had been Mr. Adams, who was a C.I.A. specialist on Vietnam in 1967 and who, along with some intelligence colleagues, believed that the military's new estimates of enemy strength were half what they should have been.

Mr. Crile also cited an interview he conducted with George Allen, another C.I.A. Vietnam expert, in which Mr. Allen said that a C.I.A. decision in 1967 to drop the agency's opposition to the military's new figures was "strictly a political issue."

But Mr. Burt showed the witness a statement by Mr. Allen before the House Committee in which he said he was "able to accept the final agreed upon figures" with the military.

Q. You were aware of that passage at the time you made the broadcast, were you not, sir?

A. I was knowledgeable about it.

But Mr. Crile said Mr. Allen had been "restricted" by the C.I.A. in what he should say because the agency "did not want to pick a fight with the military" in 1975. "Mr. Allen was placed in a troubling dilemma," he said.

Mr. Crile also noted that, after the Tet offensive, the C.I.A. reversed what he called its "cave-in" and argued for an enemy strength total of half a million.

The trial will resume on Monday with General Westmoreland's last witness, Ira Klein, the film editor for much of the documentary, scheduled to take the stand.